

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re EVOLUS, INC. SECURITIES
LITIGATION**

Civil Action No. 20-cv-8647-PGG

**STIPULATION AND [PROPOSED] ORDER GOVERNING PLAINTIFFS' DEADLINE
TO RESPOND TO DEFENDANTS' MOTIONS TO DISMISS**

WHEREAS, pursuant to the November 13, 2020 Stipulation and Order (the "Evolus Scheduling Stipulation") (Dkt. No. 12), Lead Plaintiff Raja Ahmad and named plaintiffs Kim Keller, Mitchell Sisun and Peter Diaferia ("Plaintiffs") filed the Amended Class Action Complaint ("Amended Complaint") on November 16, 2021 (Dkt. No. 70);

WHEREAS, pursuant to the Evolus Scheduling Stipulation, Defendants Evolus, Inc., David Moatazedi, Lauren Silvernail and Rui Avelar (the "Evolus Defendants") served their motion to dismiss on January 18, 2022;

WHEREAS, the Amended Complaint names Alphaeon Corporation, now known as AEON Biopharma, Inc. ("Alphaeon") as a defendant;

WHEREAS, pursuant to the stipulation and order governing Alphaeon's response to the Amended Complaint ("Alphaeon Scheduling Stipulation") (Dkt. No. 97) Alphaeon served its motion to dismiss on February 10, 2022;

WHEREAS, pursuant to the Evolus Scheduling Stipulation and the Alphaeon Scheduling Stipulation, Plaintiffs' oppositions to the Evolus Defendants' motion to dismiss and Alphaeon's motion to dismiss are due on March 21, 2022;

WHEREAS, Plaintiffs request a 30 day extension to serve their oppositions to Defendants' motions to dismiss in order to accommodate deadlines in other cases and given the need to serve responses to two separate motions (totaling 52 pages in length), and Defendants consent, subject to their obtaining a corresponding extension of the deadline for their respective reply papers (to which Plaintiffs consent);

WHEREAS, this is the first request for an extension of time for Plaintiffs to respond to Defendants' motions to dismiss;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through their undersigned counsel, subject to the Court's approval, as follows:

1. Plaintiffs shall serve their oppositions to the Evolus Defendants and to Alphaeon's motions to dismiss by April 20, 2022;
2. The Evolus Defendants and Alphaeon shall file their motions to dismiss and replies, and Plaintiffs shall file their oppositions, pursuant to the Court's bundling rule, by June 16, 2022.

Dated: February 23, 2022

/s/ Jonathan Rosenberg

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Lead Counsel for Plaintiffs

SO ORDERED:

PAUL G. GARDEPHE

UNITED STATES DISTRICT JUDGE